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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,427	12/21/2001	Pekka Koponen	4208-4072	5709
27123	7590	07/10/2006	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			ELALLAM, AHMED	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 07/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

8

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/032,427

Applicant(s)

KOPONEN ET AL.

Examiner

AHMED ELALLAM

Art Unit

2616

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 June 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-25.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see continuation.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____.

Continuation:

Examiner fully considered Applicants argument. Applicants reiterated the argument presented in the Amendment filed on December 12, 2005, in which Applicants argue that *"Robinson neither teaches nor suggests the "user identification data" recited in the claims and, in particular, that Robinson's terminal identification address is not "user identification data" because it identifies the terminal, rather than a user of the terminal"*. Emphasis added.

Further Applicants argue that *"Although the term "user identification data" is broader than simply an IMSI code (Applicants referred to an IMSI code in their prior remarks as one example of user identification data), it nevertheless is directed to data that identifies a user of the wireless communication device for making contact with a communications network, as recited in claim 1. See, e.g., Application, p.8, lines 21-24 "(Let us also assume that the user of the mobile station has inserted into the mobile station the user identification module (SIM card) which contains the user identification data of the mobile station. The user identification data is used to identify the user") (emphasis added)". (Italics added)*

Applicants argued in response to the final office action: *"Robinson does not teach or suggest sending user identification information between terminals 16 and 14. The mobile station address of the search message in Robinson clearly identifies a terminal rather than a user, and thus, is not "user identification data" as required by claim 1. A "message identification" in Robinson also is not "user identification data" because it identifies a message, such as a search message, an acknowledgement message or the*

like, rather than a user. Moreover, the "authentication information" of Robinson does not identify a user. Instead, it is "information to authenticate the gateway transceiver 14 as a valid gateway transceiver." (Robinson, p. 4, lines 4- 5) (emphasis added) Thus, the authentication information of Robinson authenticates transceiver 14 rather than a user. Nothing in Robinson teaches or suggests user authentication. In short, the foregoing station address, message identification and authentication information of Robinson, neither individually, nor in combination as a so-called "search message", teach or suggest "user identification data" as required by claim 1. To the extent that the Examiner maintains a position to the contrary, he is respectfully requested to explain how the foregoing information in Robinson identifies a user rather than a wireless device". Emphasis added.

Examiner notes that Applicants admit that *"user identification data" is broader than simply an IMSI code*. In addition, dependent claim 11 specify the *"user identification data"* comprises one of an IMSI (International Mobile Subscriber Identity) or IMUI (International Mobile User Identity) codes. That cast a doubt to what else other than the IMSI or IMUI the *"user identification data" can be, that is the "user identification data"* as Applicant admit is broad. Therefore, the claimed *"user identification data"* can be broadly and reasonably interpreted to be the search message of Robinson which comprise an authentication message, the authentication message alone reads on the *"user identification data"* because it serve to *"authenticate the gateway transceiver as a proper gateway transceiver for the mobile station 16"*. Thus the level of security may be imposed on the communication system". See Robinson, Page 4, lines 2-5 and lines 17-

23. Given the security feature of Robinson emanating from the authentication message in combination with the address of the mobile station within the search message, clear anticipation of user identification is provided since users can be at least inherently identified by the authentication message and the address of the mobile station.

As to the argument of *"the user of the mobile station has inserted into the mobile station the user identification module (SIM card) which contains the user identification data of the mobile station. The user identification data is used to identify the user"*.

Examiner notes that the features upon which Applicants rely upon (i.e., SIM card) are not recited in the rejected claims 1, 15 and 16. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Examiner believes, given the most reasonable broadest interpretation of the claim limitations, the prior art used in the final rejection is proper.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AHMED ELALLAM whose telephone number is (571) 272-3097. The examiner can normally be reached on 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, To Doris can be reached on (571) 272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A.E
Examiner
Art Unit 2616
7/6/06



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